

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**BOBBY EUGENE RODDY,
also known as Running Cougar,**

Plaintiff,

v.

**Civil Action No. 5:05cv170
(Judge Stamp)**

**STATE OF WEST VIRGINIA,
OFFICE OF THE GOVERNOR,
MARY JO THOMPSON, DANIEL E. KIMBLE,
JIM RUBENSTEIN, M.H. BAUSO,
D.L. STAFFORD, WILLIAM FOX,
TONY LEMASTERS, DON SPRINGSTON,
DAN KIMBLE, WILLIAM D. HALE,
BARBARA RENNER, REV. KENT HOBBS,
ROBERT ADAMS, DENNIS MUELLER,
DUANE MUNDAY, SUSAN WADE,
JOE CARROLL, MICHAEL HENTHORN,
JANE DOE, JOHN DOE, JAELL FULTON,
CORRECTIVE MEDICAL SERVICES,
DIANE SHINGLER, KAROL PAYNE,
VICKIE CAIN, TAMMY HARLAN,
PATRICK MIRANDY, SHIELA RAMSEY,
JACK STOLLINGS, MISTY ADAMS,
CAPT. ANDERSON and KATY PRATT,**

Defendants.

ORDER DENYING MOTION AND PETITION

On April 19, 2007, the Fourth Circuit Court of Appeals remanded the plaintiff's free exercise of religion claim in light of the Supreme Court's decision in Jones v. Brock, ____ U.S. ___, 127 S.Ct. 910 (2007). On May 1, 2007, the plaintiff filed a Motion requesting that he be sent a trial date for his case. On May 21, 2007, the plaintiff filed a "Petition for Oral Arguments." Because no determination has yet been made that the plaintiff's claim should proceed to trial, the plaintiff's motion and petition are premature.

Accordingly, the plaintiff's Motion (Doc. 65) and Petition (Doc. 73) are **DENIED** without

prejudice.

IT IS SO ORDERED.

The Clerk is directed to provide a copy of this Order to the plaintiff and counsel of record.

DATED: January 22, 2008

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE